



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**
Division of Social Services

ROY COOPER • Governor

MANDY COHEN, MD, MPH • Secretary

MICHAEL BECKETTS • Chief of Policy, Planning and Special
Populations

MEMORANDUM

DATE: March 1, 2019

TO: Interested Parties

FROM: Paris Penny, Senior Policy Advisor

RE: Notification of Proposed Readoption of 10A NCAC Chapter 67A, Chapter 68, Chapter 69 and Chapter 72 and Amendment of 10A NCAC 69 .0304

Pursuant to G.S. 150B-21.2, this memorandum serves as the required notice to interested parties that the North Carolina Social Services Commission intends to readopt 66 rules in 10A NCAC 67A, 10A NCAC 68, 10A NCAC 69, and 10A NCAC 72 and amend one rule in 10A NCAC 69.0304.

Pursuant to G.S. 150B-21.3A, Periodic Review and Expiration of Existing Rules, each agency shall conduct a review of its existing rules at least once every 10 years. These proposed rules are a result of this periodic review process.

The Social Services Commission has submitted notice to the Codifier of Rules, Office of Administrative Hearings, indicating its intent to proceed with the following rule-making actions:

10A NCAC 67A General Administration

10A NCAC 67A .0101	Contents (Readopt without substantive changes)
10A NCAC 67A .0103	Standards for Office Space and Facilities (Readopt without substantive changes)
10A NCAC 67A .0105	Administration and Agency Compliance (Readopt without substantive changes)
10A NCAC 67A .0106	Civil Rights (Readopt without substantive changes)
10A NCAC 67A .0107	Forms (Readopt without substantive changes)
10A NCAC 67A .0108	Advisory to Counties Regarding Petition of Garnishment (Readopt without substantive changes)
10A NCAC 67A .0201	General (Readopt without substantive changes)
10A NCAC 67A .0202	Exceptions for Notification (Readopt without substantive changes)
10A NCAC 67A .0203	Good Cause for Delayed Hearings (Readopt without substantive changes)
10A NCAC 67A .0204	Attendance at the Hearing (Readopt without substantive changes)
10A NCAC 67A .0205	Appeal Decision (Readopt without substantive changes)
10A NCAC 67A .0206	Good Cause for not Requesting Hearing and Required Time Frames (Readopt without substantive changes)

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10A NCAC 68 Social Services Rulemaking

10A NCAC 68 .0101	Petitions (Readopt without substantive changes)
10A NCAC 68 .0102	Notice (Readopt without substantive changes)
10A NCAC 68 .0103	Hearing Officer (Readopt without substantive changes)
10A NCAC 68 .0104	Hearings (Readopt without substantive changes)
10A NCAC 68 .0105	Statement of Reasons For and Against Rulemaking Decision (Readopt without substantive changes)
10A NCAC 68 .0106	Record of Rulemaking Proceedings (Readopt without substantive changes)
10A NCAC 68 .0107	Fees (Readopt without substantive changes)
10A NCAC 68 .0108	Declaratory Rulings (Readopt without substantive changes)
10A NCAC 68 .0202	Notice (Readopt without substantive changes)
10A NCAC 68 .0203	Hearing Officer (Readopt without substantive changes)
10A NCAC 68 .0204	Hearings (Readopt without substantive changes)
10A NCAC 68 .0205	Justification of Rulemaking Decision (Readopt without substantive changes)
10A NCAC 68 .0206	Record of Rulemaking Proceedings (Readopt without substantive changes)
10A NCAC 68 .0208	Declaratory Rulings (Readopt without substantive changes)
10A NCAC 68 .0301	Employment of Relatives of County Board Members (Readopt without substantive changes)
10A NCAC 68 .0302	Selection of County Board Members by Social Services Commission (Readopt without substantive changes)
10A NCAC 68 .0303	Delegation of Authority by County Boards (Readopt without substantive changes)

10A NCAC 69 Confidentiality and Access to Client Records

10A NCAC 69 .0101	Definitions (Readopt without substantive changes)
10A NCAC 69 .0102	Information from other Agencies (Readopt without substantive changes)
10A NCAC 69 .0201	Conflict of Laws (Readopt without substantive changes)
10A NCAC 69 .0202	Ownership of Records (Readopt without substantive changes)
10A NCAC 69 .0203	Security of Records (Readopt without substantive changes)
10A NCAC 69 .0204	Assurance of Confidentiality (Readopt without substantive changes)
10A NCAC 69 .0205	Liability of Persons with Access to Client Information (Readopt without substantive changes)
10A NCAC 69 .0301	Right of Access (Readopt without substantive changes)
10A NCAC 69 .0302	Prompt Response to Request (Readopt without substantive changes)
10A NCAC 69 .0303	Withholding Information from the Client (Readopt without substantive changes)
10A NCAC 69 .0304	Procedures for Review of Records (Amend without substantive changes)
10A NCAC 69 .0305	Contested Information (Readopt without substantive changes)
10A NCAC 69 .0306	Review of Record by Personal Representatives (Readopt without substantive changes)
10A NCAC 69 .0401	Procedure for Obtaining Consent for Release of Information (Readopt without substantive changes)
10A NCAC 69 .0402	Consent for Release of Information (Readopt without substantive changes)
10A NCAC 69 .0403	Persons who may Consent to the Release of Information (Readopt without substantive changes)

10A NCAC 69 .0404	Informed Consent (Readopt without substantive changes)
10A NCAC 69 .0405	Persons Designated to Release Client Information (Readopt without substantive changes)
10A NCAC 69 .0406	Documentation of Release (Readopt without substantive changes)
10A NCAC 69 .0501	Disclosure within the Agency (Readopt without substantive changes)
10A NCAC 69 .0502	Disclosure for the Purpose of Research (Readopt without substantive changes)
10A NCAC 69 .0503	Disclosure for the Purposes of Accountability (Readopt without substantive changes)
10A NCAC 69 .0504	Disclosure Pursuant to Other Laws (Readopt without substantive changes)
10A NCAC 69 .0505	Disclosure Pursuant to a Court Order (Readopt without substantive changes)
10A NCAC 69 .0506	Notice to Client (Readopt without substantive changes)
10A NCAC 69 .0507	Documentation of Disclosure (Readopt without substantive changes)
10A NCAC 69 .0508	Persons Designated to Disclose Information (Readopt without substantive changes)
10A NCAC 69 .0601	Information Needs of Service Providers (Readopt without substantive changes)
10A NCAC 69 .0602	Contract Restriction (Readopt without substantive changes)
10A NCAC 69 .0603	Assurance of Confidentiality (Readopt without substantive changes)
10A NCAC 69 .0604	Ownership of Records (Readopt without substantive changes)
10A NCAC 69 .0605	Liability of Service Providers (Readopt without substantive changes)

10A NCAC 72 Education Assistance

10A NCAC 72 .0101	Scope (Readopt without substantive changes)
10A NCAC 72 .0102	Definitions (Readopt without substantive changes)
10A NCAC 72 .0201	General Rule (Readopt without substantive changes)
10A NCAC 72 .0202	Satisfactory Progress Requirement (Readopt without substantive changes)
10A NCAC 72 .0203	Limitation of Award (Readopt without substantive changes)
10A NCAC 72 .0301	Scholarship Application Procedures (Readopt without substantive changes)

The proposed notice of text that was published in today's March 1, 2019 edition of the N.C. Register can be found on the Office of Administrative Hearings website at <http://www.ncoah.com/rules/register>. A copy of the notice of text and all proposed rules may be found on the DHHS website at <https://www.ncdhhs.gov/divisions/social-services/social-services-commission/public-notice>.

A public hearing on these rules is scheduled for March 26, 2019, at 2:00 p.m. in Room 151, McBryde Building, 820 South Boylan Avenue, Raleigh, NC 27603. The building is located within the Dorothea Dix Park.

The Social Services Commission is accepting public comments on these rules from March 1, 2019 - April 30, 2019. You may submit comments by email to paris.penny@dhhs.nc.gov or by mail to: Paris Penny, Senior Policy Advisor, NC DHHS, 2001 Mail Service Center, Raleigh, NC 27699-2001. You may also submit comments in person at the public hearing. The proposed effective date of these rules is July 1, 2019.

Procedure for subjecting a proposed rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with [N.C.G.S. 150B-21.3\(b2\)](#) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in [N.C.G.S. 150B-21.3\(b1\)](#). The Commission will receive written objections until 5:00 p.m. on the day following the day

the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission.

Should you have questions related to this memorandum or the proposed rules, please contact Paris Penny, Senior Policy Advisor by phone at (919) 855-4805 or by email at paris.penny@dhhs.nc.gov.

cc: Drew Pledger, Chair, Social Services Commission
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